

**ENVIRONMENTAL PROTECTION BOARD
CITY OF STAMFORD
MINUTES OF THE FEBRUARY 18, 2016
REGULAR MEETING**

Members Present:

Gary H. Stone, Chairman
Louis P. Levine, Member
Dr. Leigh Shemitz, Member
Richard Rosenfeld, Esq., Member
Ashley A. Ley, Member
Bradford Spaulding, Alternate Member

Members Not Present:

Nathanial Bowler, Alternate Member

Staff Present:

Richard H. Talamelli, Environmental Planner
Pam Fausty, Environmental Analyst

The Regular Meeting, which was called to order by the Chairman at 7:30 PM, was held in the Cafeteria, 4th Floor, Stamford, Government Center, 888 Washington Boulevard, Stamford, Connecticut, 06904-2152. The meeting was video recorded.

MINUTES

Minutes of the January 7, 2016 Regular Meeting of the Environmental Protection Board: The Board considered the minutes of the EPB's January 7, 2016 Regular Meeting. No changes or alterations were recommended or discussed. Accordingly, upon a motion by Mr. Levine, the Board voted to **APPROVE** the Minutes of the January 7, 2016 Regular Meeting as presented.

In Favor: Levine, Rosenfeld and Ley
Opposed: None
Abstaining: None
Not Voting: Stone, Shemitz, and Spaulding

Minutes of the January 21, 2016 Regular Meeting of the Environmental Protection Board: The Board considered the minutes of the EPB's January 21, 2016 Regular Meeting. No changes or alterations were recommended or discussed. Accordingly, upon a motion by Mr. Levine, the Board voted to **APPROVE** the Minutes of the January 21, 2016 Regular Meeting as presented.

In Favor: Stone, Levine, Shemitz, Rosenfeld, and Ley
Opposed: None
Abstaining: None

Not Voting: Spaulding

APPLICATIONS AND PERMITS

#1522 - 23 Barry Place (aka 50 Barry Place) – Lots A/B – Barry Place Ventures, LLC: To construct storm water drainage and other related facilities within close proximity to wetlands situated in the non-drinking water supply watershed of the Southwest Shoreline. The property lies along the west side of Barry Place, approximately 365 feet north of Fairfield Avenue, and is identified as Lots A/B, List 003-1399, Card W-002, Block 35, M-G Zone, and ± 11.7733 Acres.

Reference is made to an EPB Staff Memo, dated February 9, 2016

In Attendance: None

Discussion: Mr. Stone acknowledged the receipt of correspondence from Derek Daunais, P.E., Rocco V. D’Andrea, Inc., granting the Board an extension of the decision deadline for a period of sixty-five (65) days to the allow for the development of necessary additional information.

Motion/Vote: None

#1523 – 85 Camp Avenue – Parcels 1, 2 and 3 – Village at River’s Edge: To repair a collapsed section of jumbo concrete block retaining wall in and proximate to wetlands, watercourses, special flood hazard areas, and conservation easement areas within the non-drinking water supply watershed of Springdale Brook. The ± 8.94 Acre property currently supports the planned unit development known as “The Village at River’s Edge.” Access to the property is situated along the south side of Camp Avenue, approximately 1230 feet east of Hope Street.

Reference is made to an EPB Staff Memo, dated February 9, 2016

In Attendance: None

Discussion: Mr. Stone acknowledged the receipt of correspondence from Derek Daunais, P.E., Rocco V. D’Andrea, Inc., granting the Board an extension of the decision deadline for a period of sixty-five (65) days to the allow for the development of necessary additional information.

Motion/Vote: None

#1524 - Malibu Road/Old Orchard Lane – Parcel A2 – Realty Strategies, LLC: To construct a new single family dwelling, drive, drainage, septic, utilities, and other related facilities in and within close proximity to wetlands and watercourses situated in the non-drinking water supply watershed of Haviland Brook. The property lies along the south terminus of Malibu Road, approximately 420 feet south of Butternut Lane, and is identified as Parcel A2, List 003-8405, Card E-006Z, Block 394, RA-1 Zone, and ± 1.9337 Acres.

Reference is made to an EPB Agenda Summary Report, dated February 7, 2016

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In Attendance: John Pugliesi, P.E, Edward J. Frattaroli, Inc.
Tim Mack, Realty Strategies, LLC
Robert Jegier

Discussion: Staff Member Talamelli summarized the application for the Board. The applicant seeks the Board's permission to construct a new, five (5) bedroom, single family dwelling, drive, drainage, septic, well, and other related facilities in and/or proximate to wetlands, watercourses and designated open space preserve/conservation easement areas situated in the non-drinking water supply watershed of the Rippowam River. A permit authorizing the development of the lot is required by a condition of Planning Board (Subdivision) No. 3943.

Mr. Talamelli reported that the parcel currently supports gently to steeply sloping woodlands, gently to moderately sloping urbanized space (transitional), wooded wetlands, watercourses, numerous rock outcroppings/ledge, and several large trees. A conservation easement, which was established by a condition of the subdivision approval, encumbers approximately 50,586 square feet or 60.03% of the property including the wetlands, watercourses and non-watershed buffers. Mr. Talamelli noted that the applicant is charged with the task of convincing the Board that the development is consistent with the subdivision concept, limits impacts upon resources of identified conservation value, applies suitable drainage control measures, includes appropriate erosion/water quality controls, establishes an appropriate subsurface sewage disposal system, and provides functional conservation enhancements.

A detailed site development and grading plan has been provided to show the dwelling, although turned, generally sited in the space defined at the time of subdivision, grades maintained in the low to moderate range, and walls proposed to both support certain areas of fill and define encroachment limits west of the drive. Development is generally expected to displace some previously developed space, and light to moderate woods. Encroachments into the regulated areas have been generally limited to those associated with certain drainage improvements and landscaping/mitigation activities. The applicant reports that 1,931 square feet of the buffer and 447square feet of the conservation easement shall be affected by this project. A Health Department permit has been secured for a subsurface sewage disposal system capable of supporting a five (5) bedroom dwelling. To reduce the potential for water quality impacts, the applicant has provided a detailed sediment and erosion control plan, a prohibition of in-ground fuel oil storage, and drainage collection structures equipped with deep sumps and bell traps to assist in the collection of sands, silts and debris prior to discharge. To mitigate potential development impacts, restore historically impacted portions of the buffer/conservation easement, and address the overall conservation needs of the site, the applicant has provided for the removal of accumulated brush and debris from space abutting the wetland areas, the removal of Bittersweet and other invasives from portions of the conservation easement, plantings of conservation value, conservation easement staking, and the application of protection measures for most of the large trees recognized at the time of subdivision as having conservation value. Mr. Talamelli further reported that the overall drainage analysis was updated to reflect subdivision development, including previously approved construction on the first tract and the proposed construction of a dwelling on this property. To better manage runoff and mitigate potential development impacts, the applicant has provided a drainage scheme consisting of positive grading and the introduction of structured drainage. Drainage structures include driveway catch basins, pipes, manholes, and stabilized inlets/outlets. Important to the overall drainage scheme, is the

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pipings of the "coarse swale" that conveys storm water from the so-called "lower pond" (west) to the large receiving wetland (east). The engineer has confirmed that the pipe has been sized (36" HDPE Pipe) to convey the expected flows from both the "lower pond" and the proposed lot development, and has been set at an elevation that mimics existing swale elevations to minimize impacts on both regulated areas and property. Overall, the engineer has concluded that although there will be a slight increase in flows (10-year storm) to the large receiving wetland, impacts will be negligible and imperceptible given the size of that wetland system. Accordingly, the engineer has certified that the development will not adversely impact drainage or abutting properties/infrastructure. Final Engineering Bureau approval is pending.

In response to questions posed by Dr. Shemitz, Mr. Talamelli confirmed that the buffer and conservation encroachments reflected in the permit application and shown on the plans were expected at the time of subdivision, noting that most are linked to the proposed landscaping/conservation enhancements. He further noted that conservation areas are given definition by a ridgeline to the east, stone wall to the west, and posted signage. Finally, Mr. Talamelli confirmed that additional details are needed to evaluate the invasive plant treatment proposal. Reference was made to a proposed Condition No. Seven (7) found in the Agenda Summary Report. Dr. Shemitz stated that an effective treatment regimen may include additional conservation planting in the space subject to the treatment.

Mr. Pugliesi made a brief presentation, focusing on the drainage plan and impact analysis. He confirmed that the plan was consistent with the subdivision concept, diminished overall imperviousness, provided a properly sized crossing to ensure a more efficient transmission of storm water across the site, and included a stabilized inlet to maintain the existing channel elevation, therefore reducing the potential for wetland impact. Storm water shall be directed to the large receiving wetland in the eastern reaches of the site, and any increases in volume, would be discernable. Accordingly, he stated that the development would not have an adverse impact on drainage and adjoining properties.

Robert Jegier, an abutting property owner residing at 256 Butternut Lane, noted that he has experienced flooding in both his basement and on his property, and expects that the development will exacerbate a poor drainage condition. He questions the project engineer's conclusion that the receiving wetlands can appropriately mitigate any increase in runoff. He was further concerned by the location and design of the crossing, asking the applicant to consider alternatives that would redirect the outlet away from his dwelling, reduce the overall length of the pipe, and increase reliance on open channels to reduce the potential for drainage impact.

Extensive discussion ensued between Board members, the applicant, and interested parties, particularly regarding the accuracy of the submitted drainage summary, the availability of alternatives, and design. As a result, the Board concluded that additional information was necessary to confirm subdivision consistency and adequately address the identified issues of concern. Mr. Pugliesi noted that an alternative drainage design that includes additional on-site storage may necessitate further wetland encroachment. The Board stressed the importance of evaluating upland responses as well.

Motion/Vote: Upon a motion by Mr. Levine, the Board voted to **DEFER** from further action on EPB Permit Application No. 1524 pending the submission of additional information including the following:

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1. Redefine impacts as outlined in the amended drainage report/analysis.
2. Consideration of alternatives that include provisions for the following:
 - A modified drainage design that results in no increase in flow to the adjoining parcels.
 - Greater use of an open channel to convey storm water from the “lower pond” to the large receiving wetland.
3. Modified mitigation plan by the consulting environmental professional that further defines the proposed measures/treatments applied to invasives. The treatment schedule may include additional native planting to further the restoration of the affected areas.
4. Review of plans to provide final, accurate revision dates.

In Favor: Stone, Levine, Shemitz, Rosenfeld, and Ley
Opposed: None
Abstaining: None
Not Voting: Spaulding

#1525 - 301 Quarry Road – Lot 7 – J. Fontana for JLF Services, LLC: To construct a wood deck, stairs, and other related facilities within close proximity to wetlands and watercourses situated in the drinking water supply watershed of the Rippowam River. The property lies along the terminus of Quarry Road, approximately 1050 feet east of Blue Rock Road, Road, and is identified as Lot 7, List 000-1044, Card S-021Z, Block 384, RA-1 Zone, and ± 1.1081 Acres.

Reference is made to an EPB Staff Memo, dated February 9, 2016

In Attendance: None

Discussion: Mr. Stone acknowledged the receipt of correspondence from John Fontana granting the Board an extension of the decision deadline for a period of sixty-five (65) days to the allow for the development of necessary additional information.

Motion/Vote: None

#1601 – 160 South Lake Drive – Lot 37 - M. and B. Snover: To maintain fencing proximate to wetlands on property situated within the drinking water supply watershed of the Mianus River. The site lies approximately at the southwest intersection of South Lake Drive and Wallenberg Drive, and is identified as Lot 37, List 003-7988, Card No. S-007, Zone RA-3, Block 400, and ± 2.005 Acres.

Reference is made to an Agenda Summary Report, dated February 12, 2016.

In Attendance: John Pugliesi, P.E., Edward J. Frattaroli, Inc.

Discussion: Staff Member Fausty summarized the application for the Board. Ms. Fausty noted that the Board may be familiar with the property given the fact that at least four (4) EPB Permits had been historically applied for and granted for activities on this parcel – the first and second permits to allow construction of a new single family dwelling, the third to allow installation of a generator/propane tanks and fourth to allow construction of a new deck and sunroom. The last permit being granted in 2012.

Ms. Fausty reported that the owners are currently seeking the Board's permission to maintain a split rail fence that had been installed within the fifty (50) foot upland review area without a prior permit. The fence has been installed within the previously approved development envelope in an area that supports manicured surfaces. Ms. Fausty noted that the disturbance was minimal, and its presence is not expected to adversely impact the wetlands, watercourses or the designated conservation easement areas found on the parcel. No mitigation was requested. The record indicates that approximately 68 square feet of the upland review area was affected by the fence installation.

Mr. Pugliesi acknowledged the receipt of the Agenda Summary Report and offered no objection to its conclusions. However, he requested that the Board consider waiving the annual compliance fee requirement given the fact that the project has been completed, and does not involve a significant degree of follow-up compliance inspection.

Motion/Vote: Upon a motion by Mr. Levine, the Board voted to **APPROVE** EPB Permit Application No. 1601 with the conditions outlined in the Agenda Summary Report, dated February 12, 2016.

In Favor: Stone, Levine, Shemitz, Rosenfeld, and Ley
Opposed: None
Abstaining: None
Not Voting: Spaulding

#1603 - 23 Burwood Avenue – Lot 8 - A. Smeriglio: To reconstruct a porch within close proximity to wetlands situated in the non-drinking water supply watershed of the Southwest Shoreline. The property lies along the south side of Burwood Avenue, approximately 290 feet east of Fairfield Avenue, and is identified as Lot 8, List 000-3848, Card S-005, Block 25, Zone R-6, and ±6682 square feet.

Reference is made to an EPB Staff Memo, dated February 9, 2016.

#1604 - Clinton Avenue, Division Street, West Main Street, and Greenwich Avenue – City of Stamford/Land Use Bureau – Mill River Park, Phase II, Middle Corridor Project: Construction of pathways, boardwalks, scenic overlooks, fishing piers, walls, drainage and other related facilities in and within close proximity to a reach of the Rippowam River and associated wetland and floodplain areas. The project affects both public and private properties on both sides of the river from Main Street to Richmond Hill Avenue along the east bank, and Main Street to the West Stamford Cemetery along the west bank.

Reference is made to an EPB Staff Memo, dated February 11, 2016.

#1605 - Merriebrook Lane - NA - City of Stamford/Engineering Bureau - Merriebrook Lane Bridge Project: Construction of a new vehicular bridge, temporary pedestrian bridge, approaches, and other related features in and within close proximity to wetlands, watercourses and special flood hazard areas associated with the Mianus River. The project area, which lies within a drinking water supply watershed, is situated along a portion of Merriebrook Lane, approximately 1150 feet west of Westover Road.

Reference is made to an EPB Staff Memo, dated February 16, 2016.

#1606 - 38 Westover Avenue - Parcel A - K. and J. Bitzonis: Construction of residential additions within close proximity to wetlands and watercourses situated in the drinking water supply watershed of the Mianus River. The property lies along the south side of Westover Avenue, approximately 480 feet west of Westover Road, and is identified as Parcel A, List 002-0617, Card S-002, Block 366, Zone RA-1, and ± 1.184 Acres.

Reference is made to an EPB Staff Memo, dated February 16, 2016.

#1607 - 193 Shelter Rock Road - Lot N-30 - R. Wordell for K. Lubash: Construction of a shed and other related features within close proximity to wetlands and watercourses situated in the drinking water supply watershed of the Mianus River (East Branch). The property lies along the west side of Shelter Rock Road, approximately 480 feet north of Riverbank Drive, and is identified as Lot N-30, List 001-0045, Card W-016, Block 394, Zone RA-1, and ± 1.0002 Acres.

Reference is made to an EPB Staff Memo, dated February 16, 2016.

#1608 - 152 Harpsichord Turnpike - Lot 4 - J. Matthews for P. Wong: To reconstruct patios, walkways, and stoops and other related features situated within close proximity to wetlands and watercourses situated in the drinking water supply watershed of the Mianus River (East Branch). The property lies along the south side of Harpsichord Turnpike, just east of Riverbank Road, and is identified as Lot 4, List 001-1766, Card S-010Z, Block 398, Zone RA-1, and ± 1.246 Acres.

Reference is made to an EPB Staff Memo, dated February 16, 2016.

In Attendance: None

Discussion: Mr. Stone acknowledged the receipt of the minimum information necessary to initiate the permit application review process for EPB Permit Applications No. 1603, 1604, 1605, 1606, 1607 and 1608.

Motion/Vote: Upon a Motion by Mr. Levine, the Board voted to **ACCEPT** EPB Permit Applications No. 1603, 1604, 1605, 1606, 1607 and 1608.

In Favor: Stone, Levine, Shemitz, Rosenfeld, and Ley
Opposed: None
Abstaining: None

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Not Voting: Spaulding

SITE PLAN REVIEWS:

SUBDIVISION REVIEWS:

ENFORCEMENT – STATUS REPORTS AND SHOW CAUSE HEARINGS:

OTHER BUSINESS:

ADJOURN:

Adjourn the Regular Meeting of February 18, 2016.

There being no further business, the Board, upon a motion by Mr. Levine, voted to **ADJOURN** the Regular Meeting of February 18, 2016.

In Favor: Stone, Levine, Shemitz, Rosenfeld, and Ley
Opposed: None
Abstaining: None
Not Voting: Spaulding

Meeting adjourned at 8:29 PM.

Gary H. Stone, Chairman
Environmental Protection Board

Meeting Minutes Assembled from Notes Prepared By Richard Talamelli, Environmental Planner